

United States District Court

**EASTERN DISTRICT OF TEXAS
PARIS DIVISION**

UNITED STATES OF AMERICA

V.

CHARLES EDWARD ARMSTRONG

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CASE NO. 3:03CR7(2)

REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE

Pending before the Court is the request for revocation of Defendant's supervised release. After the District Court referred the matter to this Court for a report and recommendation, the Court conducted a hearing on March 20, 2008 to determine whether the Defendant violated his supervised release. The Defendant was represented by Steven Mears. The Government was represented by Errin Martin.

Charles Edward Armstrong was sentenced on May 5, 2004, before The Honorable Leonard Davis of the Eastern District of Texas after pleading guilty to the offense of Felon in Possession of a Firearm. Charles Edward Armstrong was subsequently sentenced to 36 months imprisonment followed by a three year term of supervised release. On April 20, 2007, Charles Edward Armstrong completed his period of imprisonment and began service of the supervision term.

On February 20, 2008, the U. S. Probation Officer filed a Petition for Warrant or Summons for Offender Under Supervision (Dkt. 62). The petition asserted that Defendant violated the following conditions of supervision: (1) Defendant shall not commit another federal, state, or local crime.

The petition alleges that Defendant committed the following violations: (1) Defendant committed the offense of Evading Arrest/Detention with Vehicle with a Deadly Weapon, and

Aggravated Assault with a Deadly Weapon on December 15, 2007. Defendant was indicted on January 22, 2008, in Lamar County, Texas, Case No. 22482, Counts 1 and 2; (2) The offense report filed by the Reno Police Department reveals the defendant was involved in a fight at a local bar, and in his attempt to flee the scene, struck a Reno Police Department officer with his vehicle; (3) On December 15, 2007, the defendant committed the offense of Assault Caused Bodily Injury, a class A misdemeanor offense, as alleged in Lamar County Case No. 53621. This charge was filed on February 8, 2008, and stems from the aforementioned bar fight.

The Defendant entered a plea of not true to the violations. Following a hearing, the Court found Defendant committed the offense of Evading Arrest/Detention with Vehicle with a Deadly Weapon, recommended that Defendant's supervised release be revoked, and recommended that Defendant be imprisoned for a term of twenty-four (24) months with no supervised release to follow. Defendant was informed of his right to object to the recommended sentence.

RECOMMENDATION

The Court recommends that the District Court revoke the Defendant's supervised release. Pursuant to the Sentencing Reform Act of 1984, the Court recommends that the Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of twenty-four (24) months, with no supervised release to follow.

SIGNED this 20th day of March, 2008.


CAROLINE M. CRAVEN
UNITED STATES MAGISTRATE JUDGE